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Letter dated 2 July 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 10 April 2002 (S/2002/406).

The Counter-Terrorism Committee has received the attached supplementary report from Lebanon (see annex) submitted pursuant to paragraph 6 of resolution 1373 (2001).

I would be grateful if you could arrange for this letter and its attachment to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established
pursuant to resolution 1373 (2002)
concerning counter-terrorism

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Annex

[Original: Arabic]

Note verbale dated 21 June 2002 from the Permanent Mission of Lebanon to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

The Permanent Mission of Lebanon to the United Nations in New York presents its compliments to the Counter-Terrorism Committee and, in reference to letter No. S/AC.40/2002/MS/OC.39 of the Chairman of the Committee, dated 1 April 2002, requesting clarification by the Government of Lebanon of certain points contained in Lebanon's report of 13 December 2002, submitted to the Committee pursuant to operative paragraph 6 of Security Council resolution 1373 (2001) of 28 September 2001, has the honour to submit a new report providing the requested clarifications and responses to the questions posed.

The Permanent Mission of Lebanon takes this opportunity to convey to the Counter-Terrorism Committee the assurances of its highest consideration.

Enclosure

The Lebanese Republic
Ministry of Foreign affairs and Emigrants

Subparagraph 1 (a) of Security Council resolution 1373 (2001)

Question or request for clarification

Could Lebanon please describe in more detail how Lebanese laws and regulations prevent the financing of terrorist activities?

Response

The measures conducive to the prevention of the financing of terrorist activities adopted by the competent authorities under the Lebanese laws and regulations in force and the international conventions to which Lebanon is a party are as follows:

1. Cooperation and coordination with other States to detect operations for the financing of terrorist activities conducted through banks or financial institutions, through customs or across borders;

2. Development and strengthening of systems related to bank monitoring operations and security information activities with a view to discovering the objectives of terrorist groups and organizations and thwarting plans to finance them;

3. Creation of a database in the office of the International Criminal Police Organization (Interpol) and the Office to Combat Terrorism to collect information on terrorist elements, groups, movements and organizations; to exchange information with Interpol offices in other member States so as to prevent those elements, groups, movements and organizations from being financed or offered any facilities; and to provide the competent authorities in other States with such information upon request;

4. The arrest of persons committing crimes of complicity in the crime of terrorism through financing in accordance with the Lebanese Penal Code, which provides for the punishment of the crime of financing terrorism as constituting complicity in the crime of terrorism. Complicity in the perpetration of crimes, generally speaking, is governed by articles 219 to 221 of the said Code.

   Pursuant to article 219, the following are considered accessories to a felony or misdemeanour:

   - Anyone who, by any means, strengthens the intention of the perpetrator;
   - Anyone who, for material or immaterial advantage, accepts an offer by the perpetrator to commit a crime;
   - Anyone who assists or supports the perpetrator in acts that prepare or facilitate the crime;
   - Anyone who agrees with the perpetrator of or any accessory to the crime prior to its commission or helps to conceal its character or to conceal or dispose of things derived from it;

– Anyone who is aware of the criminal conduct of wrongdoers who engage in brigandage or the perpetration of acts of violence against the State or public safety or against individuals or property and offers them food, shelter, a hiding place or a meeting place.

Under article 220, an accomplice without whose assistance the crime would not have been committed is subject to punishment as though he himself were the principal; all accomplices are sentenced to hard labour either for life or for a period ranging from 10 to 20 years if the principal receives the death sentence;

5. Cooperation at the international and regional levels in the fight against terrorism, including the adoption of all measures for the prevention and suppression of terrorist crimes and the prevention of the financing of terrorist elements and the offering of any facilities to them.

In addition, ways of preventing the financing of terrorist acts are included among the measures provided for in Law No. 318 of 20 April 2001 and decision No. 7818 of the Governor of the Bank of Lebanon of 18 May 2001, both of which relate to the suppression of money-laundering, including operations for the financing of terrorism.

Law No. 318 defines illicit funds as including, within the meaning of that Law, those connected with terrorist offences as provided in articles 314 to 316 of the Lebanese Penal Code, which also, in its articles 217 to 222, inclusive, provides penalties for the abetting of or participation or complicity in the commission of such offences. According to Lebanese precedent, whosoever finances a crime is considered an accessory thereto. We have dealt with this point in paragraph 4 above.

Law No. 318 makes it incumbent both on institutions not subject to the Banking Secrecy Law (article 4) and on banking institutions subject to that Law (article 5) to monitor the transactions carried out by them with their clients, with a view to the elimination of any involvement thereof in suspicious transactions, and to report immediately (article 7) to the special board of inquiry [officially: Special Investigation Commission ("the Commission")] created under the said Law (article 6), in detail, any transactions they suspect of concealing money-laundering operations, including operations for the financing of terrorism.

The Commission meets immediately upon receiving such information from the bodies mentioned above or from the official Lebanese or foreign authorities (article 8) and takes a temporary decision to freeze the suspicious account or accounts for a period of five days, renewable once. During that period the Commission carries out its inquiries through the persons designated by law, who conduct an investigation into the specified accounts and obtain all the necessary information concerning them or concerning their holders either from the reporting institutions or through the Financial Investigation Administrative Unit (article 10). Moreover, the Chairman of the Commission (article 9) or any Commission member delegated by him may contact any and all Lebanese or foreign judicial, administrative, financial or security authorities in order to request information or examine the details of any investigations already conducted by them on matters connected with or related to the investigations carried out by the Commission.

Upon the completion of the necessary inquiries and within the period of the temporary freeze on the suspected account, the Commission issues a final decision

either to release the account, if the source of the funds has not been found illegal and, in the case in hand, if it has not been used for financing terrorist operations, or to remove the banking secrecy from the account and freeze it definitively, in the event that the Commission finds that the funds are being used to finance such operations.

The Commission transmits a copy of its final report to the reporting institution, the persons concerned and the Public Prosecutor at the Court of Cassation, who takes the requisite legal steps with respect to the operations and persons concerned.

Question or request for clarification

Does Lebanon have any provisions for regulating alternative remittance arrangements? Please outline any such regulations.

Response

The laws and regulations in force in Lebanon regulate money transfer operations, which may be effected only through banks and institutions having obtained prior authorization from the Bank of Lebanon, which has the discretionary power to grant or deny such authorization depending on whether it deems it in the public interest.

The statutory and regulatory provisions requiring institutions carrying out money transfer operations to obtain authorization from the Bank of Lebanon are as follows:

- Articles 128, 131, 179 and 181 of the Code of Money and Credit;
- Article 4 of Law No. 234 of 10 June 2000 (regulating the financial intermediary profession);
- Article 1 of Law No. 347 of 6 August 2001 (regulating the money-changing profession in Lebanon);
- Article 1 of Law No. 520 of 6 June 1996 (development of the financial market and fiduciary contracts);
- Article 3 of the Bank of Lebanon decision No. 7548 of 30 March 2000 (electronic banking and financial operations).

Question or request for clarification

What acts constitute reasonable grounds for suspicion in Lebanese legislation and practice and how are they dealt with?

Response

In accordance with Law No. 318 (articles 4 and 5) and decision No. 7818 of the Governor of the Bank of Lebanon, all the institutions concerned have been requested to apply a "know your client" policy and to make sure that the transactions effected by clients do not bear any signs of suspicious operations. Conditions constituting reasonable grounds for suspicion in the banking and finance sector include the following:

– The size and movements of the account are not commensurate with the client's financial position and business;

– Operations on the account are effected by third parties having no relationship to the account holder, or such relationship is not justified;

– The account is used basically to effect or receive transfers of large amounts, when the client's business does not warrant such transactions.

The manner of dealing with suspicious transactions that may be effected through the banking and finance sector has been touched upon in the response to the question of how Lebanese laws and regulations prevent the financing of terrorist activities.

Operations constituting reasonable grounds for suspicion in other sectors are governed by the general laws in force (the Penal Code, the Code of Criminal Procedure, the Judicial Police, etc.).

Subparagraph 1 (c)

Question or request for clarification

Please provide a detailed outline of the Lebanese legal provisions which permit the freezing of funds as required by subparagraph 1 (c) (of Security Council resolution 1373 (2001)).

Response

The Special Investigation Commission, which is an autonomous special body having a judicial character, created pursuant to article 6 of Law No. 318 of 20 April 2001, can take a temporary decision to freeze suspicious accounts for a period of five days, renewable once (article 8). Upon the completion of the investigation and within the period of the temporary freeze, the Commission issues a final decision either to release the account or to freeze it definitively, removing banking secrecy in respect of it. In addition, any movable or immovable property established pursuant to a final judgement as being related to any of the offences provided for in the said Law shall be forfeited to the State (article 14), unless its owners judicially prove their lawful entitlement thereto.

The Commission requests the office of the Public Prosecutor at the Court of Cassation to prosecute those responsible for the perpetration of such acts before the criminal courts in order that they may be tried and the penalties provided by law imposed.

In addition to Law No. 318, application may be made of the general Lebanese Penal Code, article 69 of which provides that, without prejudice to the rights of innocent third parties, all things derived from or used or prepared for the perpetration of an intentional misdemeanour or felony may be confiscated.

On the basis of that text, the judge may decide to confiscate assets prepared for the financing and perpetration of terrorist offences or crimes of complicity in the perpetration of such offences, as stipulated in articles 219 and 220 of the Penal Code, as well as all assets derived from or used for the perpetration thereof.

Moreover, article 98 of the Penal Code deals with the confiscation of things manufactured, acquired, sold or used illegally, even if not owned by the defendant or

the person sentenced or if the prosecution does not result in a judgement, provided, however, that these provisions are applicable to illegal assets and weapons.

Given below are the texts of articles 8 and 14 of Law No. 318 and articles 69 and 98 of the Penal Code:

Article 8 of Law No. 318

"1. Upon receiving information from the concerned parties mentioned in Article 7, or from official Lebanese or foreign authorities, the Commission shall convene immediately to consider the case.

"2. After perusing the received information, the Commission shall, within a period of three working days, take a temporary decision to freeze the suspected account(s) for a one-time renewable period of five working days, when the source of funds remains unknown or suspected to proceed from a money-laundering offence. During the said period, the Commission shall continue the investigation of the suspected account(s) either directly or through a delegated member of the Commission or a designated concerned responsible, or through its Secretary or an appointed bank auditor. All designated persons shall discharge their duties under the obligation of confidentiality, but without being bound by the provisions of the Banking Secrecy Law of 3 September, 1956.

"3. After completing its investigations, the Commission shall take, during the temporary freezing period of the suspected account(s), a final decision on whether to free the said account(s) if the source of funds is not found to be illicit, or to lift banking secrecy regarding the account(s) and maintain the freezing. If, at the end of the period stipulated in Paragraph 2 above, the Commission does not render any decision, the said account(s) shall be automatically deemed free. The final decision of the Commission is not subject to any ordinary or extraordinary form of administrative or judicial recourse, including recourse against abuse of authority.

"4. In case of a decision on lifting banking secrecy, the Commission shall send a certified copy of its justified, final decision to the State Prosecutor of the Supreme Court, the Higher Banking Commission through its Chairman, the concerned party, the concerned bank, and the concerned foreign authority. This shall be effected either directly or through the official party through which the information has been received."

Article 14 of Law No. 318

"The State shall confiscate any movable or immovable assets that are proved, by a final court ruling, to be related to, or proceeding from, offences listed in Article 1 of this Law, unless the owners of the said assets prove in court their legal rights therein."

Article 69 of the Penal Code

"Without prejudice to the rights of innocent third parties, all things derived from or used or prepared for the perpetration of an intentional misdemeanour or felony may be confiscated.

"Such things may be confiscated in the case of an unintentional misdemeanour or a contravention if the law contains a clear provision in that regard.

"If what is to be confiscated has not already been seized, the person adjudged guilty shall be granted a respite for surrendering it, under penalty of payment of its value as assessed by the judge.

"The court may, if need be, have recourse to an expert to assess the amount payable and shall collect the assessed amount in the same manner in which it collects fines."

Article 98 of the Penal Code

"Things manufactured, acquired, sold or used illegally shall be confiscated, even if not owned by the defendant or the person sentenced or if the prosecution does not result in a judgement.

"If what is to be confiscated has not already been seized, the person adjudged guilty or the defendant shall be granted a respite for surrendering it, under penalty of payment of twice its value as determined by the judge.

"The court may, if need be, have recourse to an expert to assess the amount payable and shall collect the assessed amount in the same manner in which it collects fines."

Subparagraph 1 (d)

Question or request for clarification

According to the report (submitted by Lebanon), "*a staff of auditors and investigators has been provided to the special board of inquiry [Special Investigation Commission] as well as a special administrative unit*". Please elaborate on the work of the board and unit. In particular, it would be useful to know how these entities ensure that funds received by associations are not diverted from their stated purposes to terrorist activities.

Response

The Special Investigation Commission carries out its investigations on the basis of information received from institutions required to report suspicious transactions, Lebanese or foreign authorities or the administrative unit for the collection of financial information.

The Commission charges its staff of auditors and investigators with investigating the operations concerned. They examine and analyse the suspicious accounts in order to ascertain the amounts paid into them and their sources and the amounts withdrawn from them and their destinations. Whenever necessary, they also request the administrative unit to gather financial information [and] furnish to them all information concerning the matter that can be obtained from the various local and international judicial, security or other sources. They submit to the Commission a report on the findings of the investigations conducted.

If the Commission feels that the sums paid into such accounts are transferred to persons or entities unrelated to the original stated activities of the account holders, and in particular to individuals or entities connected with terrorist activities

and acts, it takes a decision to freeze the accounts definitively and deprive them of banking secrecy and informs the Public Prosecutor at the Court of Cassation of its decision. It should be borne in mind, however, that the field investigation to ascertain that associations have not transformed their activities or diverted them from their stated purposes to terrorist activities belongs to the competent judicial and security authorities.

At the field level, the competent security organs charged by the office of the Public Prosecutor at the Court of Cassation, on the basis of a request by national authorities, foreign judicial authorities or foreign judicial police, with carrying out investigations in a matter relating to funds received by associations suspected of covering the financing of terrorist acts and activities, proceed to comply with the request or letters rogatory under the supervision of the judges at the office of the Public Prosecutor. That office guides them in the detection of covert acts, thus enabling them to ascertain to what extent the suspicions in question are correct and whether or not such associations have deviated from their original stated purposes to terrorist acts and activities and to report the results of their investigations to the requesting authorities. In addition, local organs collect, through the Office to Combat Terrorism, information on religious, social and political associations that might be used as a cover for illegal acts, whereupon they place them under close scrutiny, instituting criminal prosecution in the event that they find them to have committed unlawful acts, including the financing of terrorism.

Question or request for clarification

Please provide a copy of decision No. 7818 of the Governor of the Bank of Lebanon, referred to in the report.

Response

The requested copy is annexed to the present report.*

Question or request for clarification

Please outline how Lebanese legislation deals with the prohibition of financing of terrorism as distinct from money-laundering.

Response

Lebanese legislation deals with the prohibition of financing of terrorism as distinct from money-laundering through the Penal Code, articles 217 to 222 of which provide penalties for anyone who abets, participates in or is an accessory to the commission of crimes, including terrorist offences. The latter offences are defined by articles 314 to 316 of the Code, which sets the penalties to be imposed on their perpetrators. According to Lebanese precedent, anyone who participates in the financing of such offences is considered an accessory thereto and is given a penalty equal to that of the principal, provided that such financing proves to have been of assistance in the commission of the offence.

* The annex is on file with the Secretariat and is available for consultation.

The investigations, inquiries and constant monitoring carried out by the competent security organs in coordination with the Interpol offices of other States in respect of elements and associations suspected of financing terrorism and terrorist activities are of help in ascertaining the nature of the case under consideration.

Subparagraph 2 (a)

Question or request for clarification

Do those who buy or sell weapons require a licence to do so legally?

Response

Pursuant to legislative decree No. 137 of 12 June 1959 (Arms and Ammunition Law), the purchase and sale of weapons in Lebanon requires a licence issued in advance by the competent authorities. In particular, article 3 of the decree provides as follows: "No person or entity shall have the right to perform, within Lebanese territory, commercial or manufacturing acts of any nature whatsoever related to materiel, arms or ammunition of any type without having first obtained a legal licence granted by decree on the basis of a proposal of the Ministers of the Interior and National Defence."

Question or request for clarification

Are there legal provisions prohibiting the transport and procurement of weapons for terrorists and their organizations?

Response

Some components of the response are provided by article 3 of the Arms and Ammunition Law referred to in the previous response. Other articles of the same Law also apply to the eventuality referred to in the question.

Article 24 of this Law prohibits any individual from transporting or possessing weapons and ammunition unless he has obtained a permit from the army command in accordance with specific conditions.

The penalties applicable to violators, provided for in articles 72 to 77 of the Law, are imprisonment for a term ranging from six months to three years, a pecuniary fine and the seizure of the weapons, ammunition and materiel.

In accordance with the principle of comprehensive, automatic, personal and regional jurisdiction provided for in articles 15, 19, 20 and 23 of the Lebanese Penal Code, the provisions of the aforementioned Law apply to all persons in Lebanese territory and to Lebanese nationals wherever they have committed the offence.

Article 17 of legislative decree No. 137 of 12 June 1959, mentioned above, makes the import, export and re-export of war materiel, weapons, ammunition and the related spare parts contingent on the prior obtainment of permission from the Ministry of National Economy upon the approval of the Ministry of National Defence (the army command) and of the Council of Ministers.

In addition, article 6 of the Law of 11 January 1958 on crimes against the internal security of the State or terrorism provides that anyone who proceeds, with the intention to commit or facilitate any felony mentioned in the Law or any other

felony against the State, to manufacture, acquire or gain possession of explosive or inflammable materials, poisonous or incendiary products or the components used in their composition or manufacture shall be punished by hard labour for life.

Lastly, it should be mentioned that paragraph I.3 of article 3 of the Arab Convention for the Suppression of Terrorism, signed at Cairo on 22 April 1998, which the Government of Lebanon was authorized to enter into pursuant to Law No. 57 of 31 March 1999, provides as follows:

> "To develop and strengthen systems for the detection of the transport, importation, exportation, stockpiling and use of weapons, munitions and explosives and of other means of aggression, killing and destruction as well as procedures for monitoring their passage through customs and across borders in order to prevent their transfer from one Contracting State to another or to third-party States other than for confirmed lawful purposes".

Question or request for clarification

Please specify whether there is any law that prohibits the recruitment of members of terrorist groups in Lebanon. Please outline the law.

Response

There is no law specifically for that purpose. However, on the basis of the general Lebanese Penal Code, the fact that recruitment of members of terrorist groups is an act of incitement to the commission of a crime entails the application of the provisions of articles 335 to 339, which establish the act of forming an unlawful association as a crime, and article 316, which relates to crimes against the internal security of the State and terrorism, coupled with articles 217 and 218 of the Penal Code, which criminalize incitement to the commission of a crime and make the inciter subject to a penalty identical to the punishment for the crime which he induces or attempts to induce another person to commit.

Consequently, anyone who recruits members of terrorist groups in Lebanon for the purpose of committing the crimes enumerated above is subject to the same punishment as for the crime of terrorism.

Presented below, in succession, are the texts of article 316 of the Penal Code and article 314 referred to in the text of that article:

Article 316

> "Any association established with intent to change the economic and social nature of the State or the fundamental conditions of society by any of the means referred to in article 314 shall be dissolved and its members condemned to a term of hard labour. The penalty for the founders and directors shall be not less than seven years."

Article 314

> "'Terrorist acts' means all acts aimed at creating a state of terror which are committed by means such as explosive devices, inflammable materials, poisonous or incendiary products or infectious or microbial agents likely to create a public hazard."

Question or request for clarification

Please outline the measures, both legislative and practical, preventing groups from recruiting, collecting funds or soliciting other forms of support for terrorist acts or terrorist activities to be carried out inside or outside Lebanon, in particular:

- The carrying out, within or from Lebanon, of recruiting, collecting of funds and soliciting of other forms of support from other countries; and
- Deceptive activities such as recruitment based on a representation to the recruit that the purpose of the recruitment is one (e.g., teaching) different from the true purpose and collection of funds through front organizations.

Response

Part of the response has been provided in the response to the previous question of whether there is any law that prohibits the recruitment of members of terrorist groups in Lebanon.

Inasmuch as the formation of unlawful or secret associations constitutes an offence punishable under the Lebanese Penal Code, recruiting, collecting funds or soliciting other forms of support for terrorist acts or terrorist activities inside or outside Lebanon constitutes an offence, since such acts consist either in incitement to or complicity in the crime of forming an unlawful or secret association.

Let us refer to a number of relevant legal provisions contained in the Lebanese Penal Code or in the Arab Convention for the Suppression of Terrorism, signed at Cairo on 22 April 1998, to which Lebanon is a party:

- Article 335 of the Penal Code provides penalties for anyone who forms an association or makes a written or verbal agreement with the intent to commit felonies against persons or property or to detract from the authority or dignity of the State. Article 373 provides that an association shall be considered secret if its purpose is incompatible with the law and it carries out all or some of its acts in secret. Article 338 of the Code provides for the dissolution and the confiscation of the property of any and all secret associations. Article 3 of the Arab Convention for the Suppression of Terrorism provides that the "Contracting States ... shall endeavour ... to prevent the use of their territories as a base for planning, organizing, executing, attempting or taking part in terrorist crime in any manner whatsoever. This includes efforts to prevent terrorist elements from infiltrating into or taking up residence in their territories, either as individuals or in groups, and to prevent their being received, given refuge, trained, armed, financed or provided any facilitation";
- Regarding the collection of funds for use in terrorist activities, we have mentioned that the Special Investigation Commission conducts its investigations in the light of information obtained from certain bodies and takes the appropriate decisions based on the results of those investigations. The operating procedure of the Commission and the bodies subordinate to it is set forth in articles 8 to 10 of Law No. 318, referred to above.

As for practical measures, the various types of Lebanese security bodies, under the supervision of the competent judicial authority, and specifically the Office of the Public Prosecutor at the Court of Cassation, make all their capabilities available, in coordination with Interpol, for the exchange of information. These bodies, including

the army and the internal security, public security and State security forces, each within its sphere of competence, monitor entities and individuals under suspicion, observe their movements and prevent them from carrying out any acts contrary to security or to the laws in force, establishing groups, recruiting members for secret associations, collecting funds or providing any support for terrorist activities to be carried out inside or outside Lebanon. The investigations and other procedures carried out by the security bodies on instructions from and under the supervision of the judicial authority comprise fact-finding and inquiries concerning individuals suspected of engaging in disguised or misleading activities such as recruiting under the guise of teaching or collecting funds by means of organizations that may be a front for terrorist acts. The competent authorities in the requesting States are informed of the results of such inquiries and the necessary steps are taken with regard to the suspects in the event that sufficient evidence is found to exist.

Any and all establishments subordinate to any group found to be involved in terrorist acts or activities are closed, even if civil or secular and irrespective of the name (such as "school") they may have adopted for the recruitment of members or the collection of funds through organizations serving as a front for terrorist activities.

Subparagraph 2 (c)

Question or request for clarification

According to the report, "*In general, Lebanon does not provide a safe haven for those who finance, direct, support or commit acts of terrorism, especially those stipulated in Security Council resolution 1333 (2000), and it does not permit them to enter its territory*". Please elaborate on what is meant by the term "in general" in this context.

Response

What is intended by the use of the term "in general" [in Arabic (and in the original French) literally: "in a general manner"] is "in a comprehensive manner".

Subparagraph 2 (d)

Question or request for clarification

Please outline the relevant legal provisions which ensure the implementation of subparagraph 2 (d).

Response

Part of the answer has been provided in the preceding response concerning the practical measures taken by the competent security bodies.

Provisions of Lebanese laws require investigation and the arrest of all suspects, fugitives and persons accused or convicted of an offence punishable under Lebanese law or the provisions of international conventions to which the Lebanese State is a party and which have acquired the force of law.

Those provisions are contained in the Code of Criminal Procedure, and specifically article 24 thereof, which charges the competent Office of the Public Prosecutor with the task of investigating offences classified as misdemeanours or

felonies and prosecuting those indicted for committing them, having recourse to the security forces in the performance of its duties.

The fact-finding done by the judicial police upon being charged with the investigation of crimes provides it with an opportunity to learn if individuals are financing, plotting or facilitating terrorist acts, whereupon it becomes easy for it to prevent them from using Lebanese territory to realize those objectives.

If local measures based on the aforementioned legislation are coupled with the international bulletins and studies received via the Interpol offices, the judicial police in Lebanon has at its disposal the wherewithal to set up a defensive system to prevent terrorist groups from realizing their objectives and making Lebanon a springboard for terrorist acts. It is easy to keep suspect groups located in specific places under surveillance by means of the competent security organs and to learn about their movements if police informers are slipped in among them to discover criminal designs and report them to the police, which can in turn inform other States through the competent authorities so that precautions may be taken. Moreover, nipping such acts in the bud forestalls all anticipated or planned acts.

The feeling in Lebanese citizens of the importance of the idea of combating terrorism is an essential factor in preventing and controlling it. This requires the creation of greater awareness of the illegality of such acts and of how far removed they are from political motives that sometimes take on the character of noble motives.

Subparagraph 2 (e)

Question or request for clarification

Are the relevant provisions of the Penal Code of Lebanon applicable in all of the following circumstances:

- Acts committed outside Lebanon by a person who is a citizen of, or habitually resident in, Lebanon (whether that person is currently present in Lebanon or not);
- Acts committed outside Lebanon by a foreign national who is currently in Lebanon?

Response

1. Article 19 of the Lebanese Penal Code provides as follows:

   "Lebanese law is applicable to any Lebanese or foreign national who, whether as principal, abettor or accessory, proceeds, outside Lebanese territory or aboard a foreign vessel, to commit a felony against the security of the State, counterfeits the State seal, forges or counterfeits Lebanese or foreign banknotes or currency in circulation by law or by custom in Lebanon or falsifies Lebanese passports, entry visas, identity cards or extracts of records;

   "These provisions shall not apply, however, to a foreign national whose action is not in violation of the rules of international law."

2. Article 20 of the Code provides as follows:

"Lebanese law is applicable to any Lebanese who, whether as principal, abettor or accessory, proceeds, outside Lebanese territory, to commit a misdemeanour punishable under Lebanese law.

"This shall remain true even if the defendant loses or acquires Lebanese nationality subsequent to the commission of the felony or misdemeanour."

3. Article 23 of the Code provides as follows:

"Lebanese law is applicable to any foreign national who is in Lebanese territory and who has proceeded, abroad, whether as principal, abettor or accessory, to commit a felony or misdemeanour not provided for in articles 19, 20 or 21, unless his extradition has been requested or agreed to."

Pursuant to the articles cited above, the Lebanese Penal Code applies to acts committed outside Lebanon by a Lebanese or a foreign national resident in Lebanon or currently in Lebanon within the conditions stipulated in those articles.

Subparagraph 2 (f)

Question or request for clarification

Please outline the laws or international treaties which provide a legal basis for the implementation of this subparagraph in Lebanon.

Response

The Lebanese State, as a member of Interpol, furnishes to requesting States, within the framework of that international organization and its regulations, information in its possession concerning persons suspected of providing support or financing for terrorist acts. The competent security organs proceed, under the supervision of the Public Prosecutor at the Court of Cassation, to conduct the necessary investigations for obtaining such information in accordance with the provisions of the Code of Criminal Procedure, referred to above.

Inasmuch as the Lebanese State promptly acceded to 10 international conventions and protocols relating to terrorism, it is bound to apply all their provisions which have acquired the force of law.

It is also bound by the Arab Convention for the Suppression of Terrorism, to which it became a party pursuant to Law No. 57/99 and which contains detailed provisions on cooperation between the Contracting States for the prevention and suppression of terrorist offences in the areas of information exchange, investigations, letters rogatory, judicial cooperation and the exchange of evidence.

The competent judicial and security organs, under the supervision of the Office of the Public Prosecutor at the Court of Cassation, engage in such cooperation in accordance with the provisions of the aforementioned international agreements and protocols and Lebanese national law.

Question or request for clarification

How long does it take (on average) to implement a request for judicial assistance in criminal investigations or criminal proceedings relating to the financing or support of terrorist acts?

Response

The security organs and judicial authorities provide the requested judicial assistance as quickly as possible. It is not possible, however, to specify the period in an all-inclusive manner because the time required for an investigation depends on the difficulty and complexity of the investigation.

As for legal actions, trials and other criminal proceedings, they differ from case to case depending on the number of accused persons and witnesses and the seriousness and complexity of the criminal acts.

The Lebanese State can exhort its judges, in cases involving terrorist acts and their financing, to expedite the related criminal investigations and court proceedings and to accord such cases priority in view of their seriousness and their bearing on the security of the international community.

It can be affirmed, however, that the security bodies, under the supervision of the judicial authorities, exert themselves to the utmost to comply with requests for judicial assistance and to complete criminal investigation procedures in connection with all offences, especially those affecting State security, including the crimes of financing and supporting terrorist acts.

Subparagraph 2 (g)

Question or request for clarification

Please explain how the procedures for the issuance of identity papers and travel documents help prevent counterfeiting, forgery or fraudulent use of those documents.

Response

The procedure for the issuance of a Lebanese passport requires the submission of certain proofs of identity (identity card, certificate of residence, declarations of witnesses) and the examination of judicial and administrative records. In this process extreme care is exercised, especially where doubt exists as to the authenticity of any document. Present passports exhibit advanced technical features that render falsification difficult; moreover, the General Directorate of Public Security is about to issue a new type of Lebanese passport incorporating advanced, internationally recognized technical characteristics that will reduce to the minimum the possibility of falsifying data entries.

With regard to the issuance of identity papers, the procedures followed in the General Directorate of Personal Status, which is subordinate to the Ministry of Interior and Municipalities and placed under the authority of the Minister, call for verification of the identity of the applicant by means of a form to be filled in, indicating the particulars of his identity, the manner in which he obtained Lebanese nationality (by birth or by virtue of a republican decree or a judgement of the competent court in Lebanon, etc.). All the information entered on the form, including a photograph and the signature of the applicant, prints of all the fingers of both hands and the signatures of two Lebanese witnesses, must be certified by the mayor of the locality, village or quarter. Next, the information entered on the form is verified, and once it has been ascertained that the identity elements match those of the applicant, the form is sent to the identity card facility of the Ministry of Interior

and Municipalities. The facility, which is guarded by the Internal Security Forces, issues the dated, magnetized card, which comprises numerous security elements that make it difficult to falsify. It bears a unique number assigned to the cardholder and is delivered to him through the mayor of the quarter or village.

Question or request for clarification

Could Lebanon please provide CTC with information on the mechanism for inter-agency cooperation between the authorities responsible for narcotics control, financial tracking and security, with particular regard to the border controls preventing the movement of terrorists?

Response

Cooperation among the various Lebanese agencies in the field of counter-terrorism takes place in some cases through coordination activities required by law and in others through the centralized work of the Office of the Public Prosecutor at the Court of Cassation, which oversees all public prosecutors' offices and the security forces that operate under its authority as a judicial police.

The General Directorate of Public Security performs the tasks of monitoring the entry of foreign nationals and verifying the authenticity of the documents carried by them. Moreover, it is provided with all the files on wanted persons and persons for whom judicial investigation or search warrants or warrants of arrest have been issued. It can check such documents for authenticity and seeks to enforce warrants, thus making it difficult for delinquents to travel and enter Lebanese territory to carry out terrorist acts.

The General Directorate of Public Security makes use of all information available from security attachés at the embassies concerned and takes measures to be on the alert for the entry of individuals to whose activity attention has been drawn by those attachés. In addition, the General Directorate cross-checks all information obtained concerning them and concerning possible Al-Qa'ida activity in Lebanon and reports the results to the embassies concerned.

The General Directorate of Public Security also stresses coordination with Interpol and the utilization of all information obtained from it, particularly with regard to visas and lost and falsified passports and travel documents, and circulates such information to all land, air and sea exit/entry posts, where such documents are checked and their bearers arrested and handed over to the judicial authorities.

Through the Office to Combat Terrorism, the Drug Control Office and the Office for the Control of Financial Crime, the Directorate of Internal Security Forces observes the actions of suspects and persons with prior records and establishes links between their movements into and out of Lebanese territory and their activities inside that territory. It monitors their accounts, once that has been made possible under the money-laundering law, and is furnished with information on the movements of their accounts and on whether any flows take place to terrorist groups under any external guise whatsoever.

The Intelligence Directorate of the Lebanese Army is very active in the surveillance of persons suspected of having committed crimes affecting the internal or external security of the State. It plays a prominent and active role in the arrest of members of terrorist groups in Lebanon.

The Customs Administration also plays a part in respect of the movement of suspicious goods and their entry into and exit from Lebanese territory to support or finance terrorist acts.

The money-laundering law opened the way for the Special Investigation Commission to freeze accounts connected with terrorist acts, drug-related crimes and arms trafficking after they are stripped of banking secrecy. The Office of the Public Prosecutor at the Court of Cassation is then notified, in order that it may conduct the necessary investigations to bring the delinquents to trial and obtain a judgement for the confiscation of assets relating to terrorist acts and the crimes specified in the money-laundering law.

Subparagraph 3 (a)

Question or request for clarification

Please outline the legal provisions which implement this subparagraph.

Response

The law of 10 July 1962 pertaining to entry into, residence in and exit from Lebanon prohibits entry into or exit from Lebanon otherwise than via points controlled by Public Security. Pursuant to that law, the General Directorate of Public Security issues, on instructions from the judicial authority, search and investigation warrants for wanted persons and persons suspected of terrorist or other offences and circulates them via computer and electronic mail to all offices, border crossing points, seaports and airports so that the necessary steps may be taken in respect of such persons immediately upon their arrival (denial of entry, arrest, etc.).

It should be noted that all border crossing points are equipped with computers containing the names of all persons wanted for arrest and for interrogation by the competent judicial and security authorities.

In addition, with respect to such matters the General Directorate of Public Security immediately coordinates with all the embassies in Lebanon, through their security attachés, the exchange of information on terrorists and terrorist networks with a view to detecting forged or falsified travel documents and corroborating information on trafficking in arms, explosives or sensitive substances, the use of communication technology by terrorist groups and the threat posed by terrorist groups possessing weapons of mass destruction.

All Public Security offices and posts and the Internal Security Forces are charged with monitoring the activities and movements of foreign nationals upon any violation by them of the laws in force throughout Lebanese territory and interrogating them in accordance with the laws in force, in particular the law of 10 July 1962 pertaining to entry into, residence in and exit from Lebanon, the Lebanese Penal Code and decision No. 115 of 12 August 1932 on combating crimes that violate public security in Lebanon, combating terrorism and the use by terrorist groups of weapons of mass destruction. In case of confirmed crime, the General Directorate of Public Security proceeds, under the supervision of the Public Prosecutors' offices, to issue search and investigation warrants and notices of denial of entry, to adopt other restrictive measures and to circulate them to all border posts and to the Interpol office, which in turn makes use of them and exchanges them with other States concerned.

Subparagraph 3 (c)

Question or request for clarification

Please provide a list of bilateral agreements for the purpose of preventing and suppressing terrorist attacks and for taking action against perpetrators of such acts (such as extradition treaties or agreements on mutual legal assistance) to which Lebanon is a party.

Response

Lebanon is a party to the bilateral agreements indicated below:

- **Agreement on the extradition of criminals between Lebanon and Iraq, signed at Beirut on 6 May 1929 and at Baghdad on 23 May 1929;**
- **Agreement on the extradition of criminals between Lebanon and Yemen, permission for the ratification of which was granted by the Law of 15 February 1949;**
- **Judicial agreement concluded between Lebanon and Syria, signed at Damascus on 25 February 1951 (Law of 28 October 1951);**
- **Judicial agreement concluded between Lebanon and Jordan (law promulgated in April 1954);**
- **Agreement on the exchange of criminals between Lebanon and Kuwait (Decree No. 15743 of 13 March 1964);**
- **Agreement on the execution of judgements, concluded between Lebanon and Kuwait (Decree No. 15744 of 13 March 1964);**
- **Treaty on the extradition of criminals between Lebanon and Belgium (Law No. 33/64 of 17 November 1964);**
- **Agreement on judicial notices and letters rogatory, concluded with Kuwait (Decree No. 9795 of 4 May 1968);**
- **Agreement on judicial cooperation, reciprocal enforcement of judgements and extradition of criminals, concluded between Lebanon and Tunisia (Law No. 38/68 of 30 December 1968);**
- **Judicial agreement between Lebanon and Italy (Decree No. 3257 of 17 May 1972);**
- **Agreement supplementary to the judicial agreement concluded between Syria and Lebanon on 25 February 1951 (Law No. 630 of 23 April 1997);**
- **Judicial agreement between Lebanon and Egypt, permission for the conclusion of which was granted to the Government by Law No. 693 of 5 November 1998;**
- **Ten international conventions on terrorism to which Lebanon is a party and the Arab Convention for the Suppression of Terrorism, signed at Cairo on 22 April 1998, which will constitute a basis for the conclusion of any future bilateral agreements.**

Subparagraph 3 (d)

Question or request for clarification

Please provide a periodic report (progress report) on the signing by Lebanon of those relevant international conventions and protocols relating to terrorism to which Lebanon has not yet acceded.

Response

We reaffirm what is stated in Lebanon's report to the Counter-Terrorism Committee dated 13 December 2001, i.e., that Lebanon has acceded to 10 of the 12 conventions for the suppression of terrorism and is in the process of acceding to the two conventions that it did not sign at the time, namely the International Convention for the Suppression of Terrorist Bombings of 5 December 1997 and the International Convention for the Suppression of the Financing of Terrorism of 9 December 1999. Letters have been sent to the competent administrations to initiate the appropriate legal procedures.

Subparagraph 3 (e)

Question or request for clarification

Have the crimes set forth in the relevant international conventions and protocols relating to terrorism to which Lebanon is a party been included as extraditable offences in the bilateral treaties which Lebanon has concluded, as provided for in those international conventions and protocols?

Response

At the time of drafting of this report, the official administrations took note of the need to include the crimes specified in the relevant international conventions and protocols relating to terrorism to which Lebanon is a party as extraditable offences in any bilateral agreements that may be concluded in the future. We shall inform you subsequently of any new developments in that regard.

Subparagraph 4

Question or request for clarification

Has Lebanon addressed any of the concerns expressed in paragraph 4 of the resolution?

Response

Under Law No. 318 of 20 April 2001 (money-laundering law) Lebanon established a link between the crimes referred to in the said paragraph 4 for the purposes of determining the sources of illegal funds. Combating those crimes involves close cooperation among the bodies of the Internal Security Forces competent in that regard (Drug Control Office, Office for the Control of Financial Crime, Office to Combat Terrorism and Crimes Affecting State Security, etc.), and coordination takes place through the related bilateral, regional and international agreements concluded by Lebanon and the exchange of information and consultations between the Lebanese security organs, Interpol and the military attachés accredited in Lebanon.

Other matters

Question

Could Lebanon please provide an organizational chart of its administrative machinery, such as police, immigration control, customs, taxation and financial supervision authorities, established to give practical effect to the laws, regulations and other instruments that are seen as contributing to compliance with the resolution?

Response

Consultations take place on an ongoing basis among the organs referred to in the question, as well as periodically and as needed in the Council of Ministers or among the ministries and administrations concerned. Some aspects of this question have been dealt with in our response to the second question pertaining to subparagraph 2 (g).